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Executive Director

ARIZONA CORPORATION COMMISSION

ORIGINAL

November 24, 2009

To persons following the Docket,

Docket Number: E-20690A-09-0346

On October 22, 2009, SolarCity, Inc. ("SolarCity") filed a request to modify Decision No. 71277 pursuant to A.R.S. § 40-252 so as to permit a change to the range of rates that SolarCity would be authorized to charge. Later, SolarCity filed a letter on November 12, 2009 indicating that SolarCity does not wish its October 22nd letter to be treated as limiting the potential means for obtaining its requested relief. Sun Power has provided a letter dated November 12, 2009 that asks about the alternative processes that may provide the relief that SolarCity requests.

SolarCity's original application in this matter states that there is some degree of urgency that is implicated by beneficial incentives that lapse at the end of the year. Consequently, Staff intends to address SolarCity's October 22nd request expeditiously. Staff notes that the current Commission practice for applications to modify decisions pursuant to A.R.S. § 40-252 contemplates two Open Meetings. In order to facilitate a timely consideration of SolarCity's request, Staff believes that the relief SolarCity is requesting could be obtained by way of a rate change.

Toward that end, Staff is poised to produce a Staff Report and proposed order in time for Commission consideration at an Open Meeting in December. Although SolarCity initially asked to change its rates pursuant to A.R.S. § 40-252, Staff notes that requests to change rates are usually not filed pursuant to A.R.S. § 40-252. At this time, Staff intends to treat this matter primarily as a request to change a rate; in the alternative, Staff will also address the A.R.S. § 40-252 issues since those issues have been raised explicitly by SolarCity's October 22nd filing.

Staff would like to request that if the process discussed above is not acceptable to others or if others have different alternatives in mind, that the concerned party promptly request a procedural conference so that the ALJ may best determine how to proceed.

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Sincerely,

Charles H. Hains
Attorney, Legal Division

Arizona Corporation Commission

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